

**STATE OF UTAH**

**GUARDIANSHIP OF MINOR**

**PACKET**

**GUARDIANSHIP OF MINOR**

**PACKET**

August, 2001

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# **STATE OF UTAH**

## **GUARDIANSHIP OF MINOR PACKET**

### **INFORMATION, INSTRUCTIONS, and FORMS**

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#### **GENERAL**

##### ***INTRODUCTION***

The term *Pro Se* means “doing it for yourself” or, specifically in this situation, without the assistance of an attorney. This packet has been developed to assist those who cannot afford an attorney in filing for Guardianship of Minor in generally uncontested circumstances. As such, it may not be adequate for every individual situation. Help in filling out this packet may be obtained without cost on a limited basis at Waine’s Clinic held at the Matheson Courthouse in Salt Lake City on Tuesdays and Thursdays starting at 6 p.m. Telephone (801) 238-7804 prior to attending. For a flyer explaining Waine’s Clinic and a list of other free legal clinics throughout the state, call Utah Legal Services.

In Salt Lake City call 328-8891;

From anywhere else in Utah call 1-800-662-4245;

Outside of Utah call 1-800-945-9885.

Other legal services may also be available from Utah Legal Services for those who are economically disadvantaged and fall within eligibility requirements.

If you are not eligible for services from Utah Legal Services, but your particular circumstance requires the advice of an attorney, you can contact the Tuesday Night Bar at (801) 531-9077 for free legal advice or the Utah Bar Association Lawyer Referral Service at (801) 531-9075 or at 1 (800) 662-9054 for help in finding a private attorney who will charge for services. Assistance may also be obtained for a fee from Guardianship Associates, a private non-profit organization, at (801)533-0203 or 320

West 200 South Suite 140-B, Salt Lake City, Utah 84101.

In Utah, a guardianship arrangement may be granted for the protection of unemancipated Minors (unmarried or not in active military service) who do not have a legal Guardian. Guardianship is a relationship created by law in which a Guardian is given the legal authority to make decisions that manage and control the Minor's life. The purpose of guardianship is to ensure that decisions affecting the Minor's affairs will be made rationally and with the Minor's best interests in mind.

Utah law clearly distinguishes between Guardians, whose responsibility is mainly personal; and Conservators, whose responsibility is specifically financial. Nevertheless, in the absence of a legally appointed Conservator, a Guardian may also oversee the financial affairs and estate of a Minor. However, even though there is no statutory limit to the size of an estate that a Guardian may oversee, the Court will generally require that a Conservator also be appointed for an estate valued at over \$10,000. The same person who is appointed Guardian may also be appointed Conservator of the Minor's estate.

## ***RESPONSIBILITY AND LIABILITY OF GUARDIANS***

A Guardian of a Minor has the same authority and responsibility as a parent who has not been deprived of custody of a minor child, except that a Guardian is not financially liable to third parties for actions of the Minor in the same sense that a parent would be. Although a Guardian is not legally obligated to provide for the Minor from his/her own personal resources, a Guardian should be willing and able to provide reasonably adequate food, clothing, shelter, and supervision for the Minor. A Guardian submits personally to the jurisdiction of the Court in any proceeding relating to the Guardianship of Minor and will be notified by the Court at the Guardian's mailing address. The Guardian may be required by the Court to post a bond. In particular, a Guardian has the following powers and duties:

- The Guardian must take reasonable care to manage and protect both the personal and real property of the Minor.

- The Guardian may receive money payable to the Minor's parent, custodian, or guardian under the terms of any statutory benefit, insurance system, contract, devise, trust, or conservatorship for the support of the Minor. Any sums received shall be applied to the Minor's current needs for support, care, and education. A Guardian must take care to conserve any excess income for the Minor's future needs. If a Conservator has been appointed, then any excess funds should be paid at least annually to the Conservator. No such monies will go toward compensation for the services of the Guardian unless so ordered by the Court or approved by a duly appointed Conservator who is not the Guardian.
- The Guardian may initiate proceedings to collect any debts owed to the Minor or compel payment by anyone who has a duty to support the Minor.
- The Guardian is empowered to facilitate the Minor's education and social activities, and to authorize medical or professional treatment or advice.
- The Guardian is not liable to the Minor for negligent acts of third parties that may result in an injury during an activity that would have been legally consented to by Parents (for example, a school field trip).
- The Guardian may consent to the marriage or adoption of the Minor; and may delegate Power of Attorney for the Minor for up to six months.
- The Guardian must report the conditions of the Minor and the Minor's estate which has been under the Guardians control upon petition of any person interested in the Minor's welfare and/or as ordered by the Court.
- The Guardian has all powers and responsibilities necessary to act in the current and continuing best interests of the Minor except where the Court may have limited that authority by Order of Appointment and/or as expressed in the Letter of Guardianship of Minor.

## ***GUARDIANSHIP PROCEEDINGS***

To commence an action to create guardianship, any person interested in the Minor's welfare may petition the Court in the County in which the Minor resides or is physically present for an appointment of a qualified guardian. Once the completed

Petition for Appointment is filed with the District Court Clerk, a hearing will be set by the Court. All other required forms should be completed and filed prior to the hearing, or the hearing may need to be rescheduled. Notice of the time and place of the impending hearing must be given at least ten days prior to the hearing to any living parent, the Minor (if over 14 years old), the local School District, and to any other interested persons listed on the Petition for Appointment.

The Court Clerk will generally issue those notices according to statute, but it is the responsibility of the Petitioner to provide the names and addresses of those interested parties to the Court and, if necessary, to assist in the notification as directed by the Court Clerk.

At the hearing, all interested parties are invited to give input regarding the appointment of a Guardian. If there are any objections to the appointment, the hearing may be rescheduled for argument at a later date. If the Court determines at any time during the hearing that the Minor's interests are not or will not be adequately represented, the Court may appoint an attorney to represent the Minor. The Court wants to be sure that the individual who is seeking guardianship is genuinely interested in the Minor's welfare, which includes the Minor's physical, mental, moral, and emotional health needs; and is fully capable of serving in that capacity. If the Minor is at least 14 years old, the Court will give considerable deference to a qualified individual whose nomination the Minor supports by affidavit.

After the hearing, the Court will appoint a Guardian. The appointed Guardian must provide the Court with a written Acceptance of Appointment within 30 days of the appointment date, or the appointment will be void. Upon acceptance of appointment, the Court will issue Letters of Guardianship to verify the Guardian's status as Guardian of the Minor and to list any specific limitations or responsibilities as such.

## ***TERMINATION OF GUARDIANSHIP***

Termination of guardianship does not affect the Guardian's liability for prior acts in that capacity or the obligation to account for the Minor's funds and assets during the term of Guardianship. An appointed Guardian's duty to the Minor terminates upon the occurrence of any one of following four sets of circumstances:

- Death of either the Minor or the Guardian.
- When the Minor reaches the age of 18 years old, is adopted, or is married.
- The Guardian submits a Resignation of Guardianship which is accepted by the Court.
- The Court removes the Guardian for whatever reason. An action to remove a Guardian can be initiated by any person genuinely interested in the Minor's well being. In deciding whether to remove a Guardian or terminate guardianship, the Court will follow the same procedures intended to safeguard the rights of the Minor that are used in considering the Petition for Appointment of Guardian.

## FORMS

### *PETITION FOR APPOINTMENT OF GUARDIAN OF MINOR*

#### FILING

When completed, file the Petition with the District Court Clerk and pay the requisite fee (\$140 as of August 2001) or, in cases of extreme financial hardship, an Affidavit of Impecuniosity may be filed in lieu of the fee. You can obtain an Affidavit of Impecuniosity from any District Court Clerk's Office, Utah Legal Services, or Waive's Clinic.

#### HEADING

Person (Petitioner) filing Petition for Appointment of Guardian enter:

- Your name, address, and phone number at the top of the page.
- Enter District Court #, County name, and Court address on appropriate lines.
- Your name on lines for Petitioner; Minor's name on lines for Minor.
- Your relationship to Minor on relationship line (sister, son, friend, doctor, clergy).
- Name of Nominated Guardian and relationship (generally the same person who is the Petitioner, but may be someone else).
- NOTE - Probate No. and Judge will be assigned by the Court Clerk at filing.

#### STATEMENT 1

Petitioner must file in the County where the Minor resides or is present (see County District Court addresses on the first page following these instructions).

#### STATEMENT 2

The complete names and addresses of all persons to be notified by the Court Clerk's Office should be neatly entered here. If more room is required, other interested

parties may be neatly listed on the back of Page 2 (write “see more names on back”).

#### STATEMENT 3

Parental Consent(s), an affidavit listing the circumstances, and/or a copy of the Court Order terminating or suspending parental custody must be filed with the Court Clerk prior to the hearing (Parental Consent forms are included in this packet).

#### STATEMENT 4

If Minor is emancipated or if there is any other legal action pending for Guardianship of Minor by written instrument or Petition, this petition will be void.

#### STATEMENT 5

Fill in Minor’s birth date and check only the “A” statement that applies. If first “A” statement is marked (Minor is at least 14 years old), then a Nomination of Guardian by Minor form (included in packet) must be completed by the Minor and should be filed with the Court Clerk prior to the hearing. Enter the name of the nominated guardian on the blank line.

#### STATEMENT 6

Mark only the “A” statement that applies. If you mark the second “A” statement, you must also obtain and submit to the Court an Affidavit of Waiver from the School District where Minor will attend school. (Affidavit of Waiver by School District form is included)

#### STATEMENT 7

Enter the Total taken from the attached Estate Value Worksheet. Worksheet should be attached to the back and be submitted with the Petition. \*NOTE\* - If the estate is valued over \$10,000 you should also file for conservatorship.

#### “WHEREFORE CLAUSE”

##### STATEMENT 3 (page 3)

- Enter name of proposed Guardian on Guardian line followed by the Minor’s name on the Minor line.
- If you feel that bonding is not necessary for the person nominated as Guardian, mark the “without bond” statement. If you feel that bonding is necessary for the person nominated as Guardian, mark the “with bond” statement and enter the amount of bond requirement. Generally speaking, a bond is not required by the Court for guardianship.

#### PERSONAL SIGNATURE & NOTARY

Petitioner must sign on the line for Petitioner in front of a Notary Public and have the document notarized (Page 4). A Notary Public may be found at any bank or at a public library (there may be a minimal charge for Notary service).



## *AFFIDAVIT OF SUSPENSION OF PARENTAL CUSTODY RIGHTS*

### FILING

This form may be filed with the Court Clerk any time prior to the hearing. It is submitted to the Court to verify and explain Statement 3 in the Petition.

### HEADING

Fill out completely - Probate No. and Judge will be assigned at filing.

### BODY

- Enter your name on Petitioner line.
- Mark all that apply, A through E. Attach all documents that correspond to the statements you marked in this form and attach them to this form. For example, you might mark "D" if one of the parents is not able to be located - you would attach an affidavit which states what you have done in an attempt to locate that parent: such as telephone calls and letters to parent's relatives, friends, clergy, last known place of work, etc. Publication as a means of notice may be requested by the Court if it is thought that the person might be within the state. If you mark "E", be sure to list and number what the "other" relevant exhibits are on the lines below as well as attaching them to this form (for example, a newspaper article that states parent was "lost at sea").

### SIGNATURE

Petitioner must sign on the line for Petitioner in front of a Notary Public and have the document notarized.

## *MOTHER'S/FATHER'S CONSENT TO GUARDIANSHIP*

### FILING

If applicable, these forms should be signed by each living parent, be attached to the Affidavit of Suspension of Parental Custody Rights, and filed with the Court Clerk any time prior to the hearing.

### HEADING

Fill out completely and enter name of parent signing form on first line.

### STATEMENT 1

Be sure Mother fills out/signs Mother's form; Father fills out/signs Father's form.

### STATEMENT 2

Enter name of Nominated Guardian. This statement indicates that the parent will voluntarily support and respect the Court's appointment of stated Guardian. It does not

prevent the parent from making application in the future to have parental custody rights reinstated and/or to terminate court appointed guardianship.

#### STATEMENT 3

This statement waives all parental custody rights pertaining to the child.

#### SIGNATURE

Parent must sign form in front of Notary Public and have form notarized.

### *AFFIDAVIT OF WAIVER BY SCHOOL DISTRICT*

#### FILING

This form will need to be filled out and signed by the School District in which the Minor will attend school. It should be filed with the Court Clerk prior to the hearing.

#### HEADING

Petitioner should fill out heading completely. Enter School District Representative's name and the appropriate County in the blanks below the heading.

#### STATEMENT 1

Enter the name of the School District.

#### STATEMENT 2

Mark the appropriate "A" statement.

- It you mark the first "A" statement, then go to signature block.
- If you mark the second "A" statement, then enter the School District's name in number 1 and also mark the appropriate "has or has not" blanks in numbers 1 through 3.

**\*NOTE\*** If a Minor is 12 years or older and the requirements listed in the second "A" statement as numbers 1 through 3 are not satisfactorily completed, the Judge may deny guardianship. That does not mean that the Judge must deny guardianship, but it may adversely influence the Judge's decision or delay the appointment.

#### SIGNATURE

The School District Representative filling out this form must sign it in front of a Notary Public.

### *AFFIDAVIT FOR RELEASE OF CONFIDENTIAL INFORMATION*

- If the Minor is 12 years or older and has lived outside of the state during the previous 2 years, this form must be signed by the current guardian or a living parent, notarized, and given to the School District Representative before he/she

- completes/signs the AFFIDAVIT OF WAIVER BY SCHOOL DISTRICT form.
- If the Minor has NOT lived outside of the state during the previous 2 years, this form does not need to be completed or filed.
- If the Minor is under 12 years old, this form does not need to be completed or filed.

\*NOTE\* Even though this form may not be required, the AFFIDAVIT OF WAIVER BY SCHOOL DISTRICT form and the other requirements in statement 2 of the Waiver must be completed.

## ***NOMINATION OF GUARDIAN BY MINOR***

### **FILING**

If Minor is 14 years or older, this form should be completed by Minor and filed with the Court Clerk prior to the hearing.

### **HEADING**

Fill out completely.

### **BODY**

Enter Minor's name and the name of the Guardian.

### **SIGNATURE**

Minor must sign form in front of Notary Public and form must be notarized.

## ***FINDINGS OF FACT AND CONCLUSIONS OF LAW***

### **FILING**

Complete this form in accordance with the Petition information and present it to the Court Clerk on the day of the hearing. Obtain a copy of this form for your personal records after it is signed by the Judge.

### **HEADING**

Fill out the same as other forms - include Probate No. and Judge's name.

### **STATEMENT 2**

Enter the name of County where Minor resides or is present.

### **STATEMENT 6**

Mark the "A" statement that applies.

### **STATEMENT 7**

Mark only the "A" statement that applies, This should be marked the same as Statement 6 in the PETITION FOR APPOINTMENT form.

### **STATEMENT 8**

Enter the same value found in Statement 7 in the PETITION FOR

APPOINTMENT form.

PAGE 3

Statement 2 - Enter Guardian's name and mark the "A" statement that applies and list any limitations if applicable.

Statement 3 - Mark the "A" statement that applies and enter bond amount if applicable.

SIGNATURE

Only the Judge signs this form.

### *ORDER OF APPOINTMENT OF GUARDIAN OF MINOR*

FILING/HEADING/BODY

Complete this form to match the Findings of Fact and Conclusions of Law form and file it with the Court Clerk prior to the hearing. Obtain a copy of this form for your personal records after it is signed by the Judge.

SIGNATURE

Only the Judge signs this form.

### *ACCEPTANCE OF APPOINTMENT*

FILING

This form must be completed and submitted to the Court Clerk prior to the scheduled hearing. After the hearing, a copy of this form can be used as notice of the acceptance and should be given to the Minor, if 14 years of age or older, and to the person providing care to the Minor or to the Minor's nearest adult relative.

HEADING

Fill out completely.

BODY

Enter Guardian's name followed by Minor's name and the date.

SIGNATURE

The newly appointed Guardian signs this form.

## *LETTERS OF GUARDIANSHIP*

### FILING

This form should be filed with the Court Clerk prior to the hearing. It will be returned by the Court Clerk to the Guardian after the Guardian has accepted appointment by submitting the Acceptance form. After the hearing, it will be certified/signed by the Clerk, given to the Guardian, and may be used to verify the Guardian's authority to act on behalf of the Minor. Copies may be made and given to any agency requiring such verification.

### HEADING

Fill out completely.

### BODY

- Enter Guardian's name, the date, and the Judge's name on the appropriate lines.
- Mark the type of guardianship that was ordered and list any specific responsibilities/limitations that may apply. This should be done exactly like the same section found in the Order of Appointment form.

### SIGNATURE

This document will be signed by the Court Clerk's Office. Make several copies of this so that you have them available to give to whomever may request verification that you are the Legal Guardian.

# DISTRICT COURTS AND ADDRESSES

County	Court Name	Address	Phone
Beaver	Fifth District Court	2160 South 600 West, Beaver, UT 84713	(435) 438-5309
Box Elder	First District Court	43 North Main, Brigham City, UT 84302	(435) 734-4600
Cache	First District Court	140 North 100 West, Logan, UT 84321	(435) 750-1300
Carbon	Seventh District Court	149 East 100 South, Price, UT 84501	(435) 636-3400
Daggett	Eighth District Court	95 No. 100 W., P.O. Box 219, Manila, UT 84046	(435) 784-3154
Davis	Second District Court	800 West State, Box 769, Farmington, UT 84025	(801) 447-3800
Duchesne	Eighth District Court	255 So. State #36-9, Box 128, Roosevelt 84066	(435) 722-0235
Emery	Seventh District Court	95 East Main, Castle Dale, UT 84513	(435) 636-3400
Garfield	Sixth District Court	55 South Main, Panguitch, UT 84725	(435) 676-1100
Grand	Seventh District Court	125 East Center, Moab, UT 84532	(435) 259-1349
Iron	Fifth District Court	40 North 100 East, Cedar City, UT 84720	(435) 586-7440
Juab	Fourth District Court	160 North Main, P.O. Box 249, Nephi, UT 84648	(435) 623-0901
Kane	Sixth District Court	76 South Main, Kanab, UT 84741	(435) 644-2458
Millard	Fourth District Court	765 S. Hwy 99, SR Box 55, Fillmore, UT 84631	(435) 743-6223
Morgan	Second District Court	48 West Young Street, Morgan, UT 84050	(801) 845-4020
Piute	Sixth District Court	P.O. Box 99, Junction, UT 84740	(435) 577-2840
Rich	First District Court	P.O. Box 218, Randolph, UT 84064	(435) 793-2415
Salt Lake	Third District Court	450 South State St., Salt Lake City, UT 84114	(801) 238-7300
San Juan	Seventh District Court	297 South Main, Monticello, UT 84535	(435) 259-1349
Sanpete	Sixth District Court	160 North Main, Manti, UT 84642	(435) 835-2131
Sevier	Sixth District Court	895 East 300 North, Richfield, UT 84701	(435) 896-2700
Summit	Third District Court	50 No. Main, P.O. Box 128, Coalville, UT 84017	(435) 336-3202
Tooele	Third District Court	47 South Main, Tooele, UT 84074	(435) 843-3210
Utah	Fourth District Court	125 North 100 West, Provo, Utah 84601	(801) 429-1000
Uintah	Eighth District Court	147 East Main, P.O. Box 1015, Vernal, UT 84078	(435) 789-7534
Wasatch	Fourth District Court	1361 So Hwy 40, PO Box 730, Heber City 84032	(435) 654-4676
Washington	Fifth District Court	220 North 200 East, St. George, UT 84770	(435) 986-5700
Wayne	Sixth District Court	Wayne County Courthouse, Loa, UT 84747	(435) 836-2731
Weber	Second District Court	2525 Grant Ave., Ogden, UT 84401	(801) 395-1173

# FORMS

The following forms have been included in this packet:

- C COVER SHEET FOR CIVIL ACTIONS
- C PETITION FOR APPOINTMENT OF GUARDIAN OF MINOR
- C ESTATE VALUE WORKSHEET
- C AFFIDAVIT OF SUSPENSION OF PARENTAL CUSTODY RIGHTS
- C MOTHER'S CONSENT TO APPOINTMENT OF GUARDIAN
- C FATHER'S CONSENT TO APPOINTMENT OF GUARDIAN
- C AFFIDAVIT OF WAIVER BY SCHOOL DISTRICT
- C AFFIDAVIT FOR RELEASE OF CONFIDENTIAL INFORMATION
- C NOMINATION OF GUARDIAN BY MINOR
- C FINDINGS OF FACT AND CONCLUSIONS OF LAW
- C ORDER OF APPOINTMENT OF GUARDIAN OF MINOR
- C ACCEPTANCE OF APPOINTMENT
- C LETTERS OF GUARDIANSHIP

Depending on the circumstances, not all forms may be required for every case. However, it is very important that you completely fill out the forms you do need according to the instructions. Any questions regarding the forms and/or the their instructions or any questions related to Guardianship in general can be answered at the Domestic Law Clinic held at 6 PM on Tuesdays and Thursdays at the Scott Matheson Court House **(call (801) 238-7804 the day of the clinic to be sure that the clinic for that day has not been canceled).**

# COVER SHEET FOR CIVIL FILING ACTIONS - Page 1

## Party Identification (Attach additional sheets as necessary)

PLAINTIFF/PETITIONER

Name

Address

Day Time Telephone

ATTY FOR PLAINTIFF/PETITIONER

Name

Address

Day Time Telephone

PLAINTIFF/PETITIONER

Name

Address

Day Time Telephone

ATTY FOR PLAINTIFF/PETITIONER

Name

Address

Day Time Telephone

DEFENDANT/RESPONDENT

Name

Address

Day Time Telephone

ATTY FOR DEFENDANT/RESPONDENT

Name

Address

Day Time Telephone

DEFENDANT/RESPONDENT

Name

Address

Day Time Telephone

ATTY FOR DEFENDANT/RESPONDENT

Name

Address

Day Time Telephone

## TOTAL CLAIM FOR DAMAGES

\$ \_\_\_\_\_

## JURY DEMAND

☐ Yes

☐ No

## SCHEDULE OF FEES: §78-7-35. CHECK ANY THAT APPLY.

(See Case Types for Filing Fees for Complaints other than Claim for Damages.)

### — COMPLAINT FOR DAMAGES —

- \$45 ☐ Small Claims: \$2000 or less
- \$70 ☐ Small Claims: \$2001-\$5000
- \$50 ☐ Civil or Interpleader: \$2000 or less
- \$95 ☐ Civil or Interpleader: \$2001 - \$9999
- \$155 ☐ Civil or Interpleader: \$10,000 and over
- \$155 ☐ Civil Unspecified

### ----- MISCELLANEOUS -----

- \$75 ☐ Jury Demand
- \$2 ☐ Vital Statistics §26-2-25



# COVER SHEET FOR CIVIL FILING ACTIONS - Page 2

## Case Type (Check Only One Category)

**Fee**

**Case Type**

### ----- APPEALS -----

- \$155 ☐ Administrative Agency Review  
 \$75 ☐ Small Claims Trial de Novo

### ----- GENERAL CIVIL -----

- \$155 ☐ Attorney Discipline  
 Sch ☐ Civil Rights  
 \$155 ☐ Condemnation  
 Sch ☐ Contract  
 Sch ☐ Debt Collection  
 \$65 ☐ Expungement (Fee is \$0 under circumstances of §77-18-10(2))  
 Sch ☐ Forcible Entry and Detainer  
 \$155 ☐ Forfeiture of Property  
 Sch ☐ Interpleader  
 Sch ☐ Lien/Mortgage Foreclosure  
 Sch ☐ Malpractice  
 Sch ☐ Miscellaneous Civil  
 \$155 ☐ Extraordinary Relief  
 Sch ☐ Personal Injury  
 \$155 ☐ Post Conviction Relief: Capital  
 \$155 ☐ Post Conviction Relief: Non-capital  
 Sch ☐ Property Damage  
 Sch ☐ Property/Quiet Title  
 Sch ☐ Sexual Harassment  
 Sch ☐ Small Claims  
 Sch ☐ Tax  
 \$155 ☐ Unsolicited Communication  
 Sch ☐ Water Rights  
 Sch ☐ Wrongful Death  
 Sch ☐ Wrongful Termination

### ----- DOMESTIC -----

- \$0 ☐ Cohabitant Abuse  
 \$155 ☐ Common Law Marriage  
 \$155 ☐ Custody/Visitation/Support  
 \$95 ☐ Divorce/Annulment  
     ☐ Check if child support, custody or visitation will be part of decree  
 \$155 ☐ Paternity  
 \$95 ☐ Separate Maintenance  
 \$155 ☐ Uniform Child Custody Jurisdiction Act (UCCJA)  
 \$155 ☐ Uniform Interstate Family Support Act (UIFSA)

### ----- JUDGMENTS -----

- \$25 ☐ Abstract of Foreign Judgment or Decree  
 \$40 ☐ Abstract of Judgment or Order of Utah Court/Agency  
 \$30 ☐ Abstract of Judgment/Order of Utah State Tax Commission  
 \$25 ☐ Judgment by Confession  
 Sch ☐ Renew Judgment

### ----- PROBATE -----

- \$155 ☐ Adoption  
 \$155 ☐ Conservatorship  
 \$155 ☐ Estate Personal Rep - Formal  
 \$155 ☐ Estate Personal Rep - Informal  
 \$155 ☐ Guardianship  
 \$155 ☐ Involuntary Commitment  
 \$155 ☐ Minor's Settlement  
 \$155 ☐ Name Change  
 \$155 ☐ Supervised Administration  
 \$155 ☐ Trusts  
 \$155 ☐ Unspecified Probate

### ----- SPECIAL MATTERS -----

- \$0 ☐ Administrative Search Warrant  
 \$25 ☐ Arbitration Award  
 \$0 ☐ Criminal Investigation Search Warrant  
 \$0 ☐ Deposit of Will  
 \$0 ☐ Determination of Competency in Criminal Case  
 \$0 ☐ Extradition  
 \$25 ☐ Foreign Probate or Child Custody Document  
 \$0 ☐ Hospital Lien  
 \$25 ☐ Judicial Approval of Document not part of a Pending Case  
 \$25 ☐ Notice of deposition in out-of-state case  
 \$25 ☐ Open Sealed Record

Effectiv05/05/03

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: ( \_\_\_\_\_ ) \_\_\_\_\_  
PRO SE

IN THE PROBATE DIVISION OF THE \_\_\_\_\_ JUDICIAL DISTRICT COURT  
OF \_\_\_\_\_ COUNTY,  
\_\_\_\_\_ (Court Address)

IN THE MATTER OF GUARDIANSHIP OF

\_\_\_\_\_,  
a Minor.

**PETITION FOR APPOINTMENT  
OF GUARDIAN OF MINOR**

Probate No. \_\_\_\_\_

Judge: \_\_\_\_\_

Petitioner, \_\_\_\_\_, who is the \_\_\_\_\_ **Relationship**  
of Minor \_\_\_\_\_, petitions the Court to appoint

\_\_\_\_\_, who is the \_\_\_\_\_ **Relationship**  
**Nominated Guardian** of the

above named Minor and is also genuinely interested in the Minor's physical, mental, moral, and emotional health needs; and states and represents to the court that:

1. Minor currently resides or is present within \_\_\_\_\_ County.
2. Notice of the time and place of hearing on this petition should be mailed to each of the following interested parties listed below at the addresses given:

Name	Address	Relationship to Minor
_____	_____	<b>Mother</b>
_____	_____	<b>Father</b>
_____	_____	<b>Care Provider for 60 days prior to petition filing date</b>
_____	_____	<b>Minor if 14 or older</b>
_____	_____	<b>Guardian by will or Inst. who did not accept appt.</b>
_____	_____	<b>Local School Dist.</b>
_____	_____	<b>Other</b>

\*If necessary, additional names and addresses may be listed on the back of this page.

3. Parental custody rights have been terminated or suspended by waiver of living parent(s), circumstances, or prior court order (see submitted documentation).

4. Minor is not emancipated and does not currently have a Guardian by instrument or appointment; nor are there any currently pending guardianship proceedings.

5. Minor was born on \_\_\_\_\_ and at the time of hearing will be: (select one)

A. ☐ at least 14 years old and has included with this petition an affidavit nominating \_\_\_\_\_ to be appointed by the Court as

Guardian of Minor.

A. ☐ under 14 years old.

6. At the time of hearing, Minor will be: (select one)

1. A. ( ) under 12 years old.  
A. ( ) at least 12 years old and has attached an Affidavit of Waiver from the School District in which the Minor will attend school.

7. The total value of Minor's estate which will come into the possession of Petitioner as Guardian is \$ \_\_\_\_\_ (total taken from attached worksheet).

WHEREFORE, the Petitioner requests:

1. The Court to fix a date and time for hearing on this Petition.
2. Notice to be given as required by §75-5-207.
3. The Court to appoint \_\_\_\_\_, as Guardian of Minor, \_\_\_\_\_, to serve: (select one)  
A. ( ) without bond.  
A. ( ) with bond required in the amount of \$ \_\_\_\_\_.
4. Letters of Guardianship to be issued by the Court to the Guardian.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Petitioner

**NOTARY CLAUSE**

STATE OF UTAH,  
COUNTY OF \_\_\_\_\_

Petitioner, \_\_\_\_\_, personally appeared before me, the undersigned Notary Public, and proved to me Petitioner's identity with documentation in the form of \_\_\_\_\_; and upon being sworn and under oath, signed the preceding document entitled PETITION FOR GUARDIANSHIP OF MINOR in my presence and acknowledged and affirmed that the information contained in the document is true to the best of Petitioner's own personal knowledge and that Petitioner has signed the document voluntarily for its stated purpose.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

**ESTATE VALUE WORKSHEET  
FOR STATEMENT #7 OF PETITION FOR  
APPOINTMENT OF GUARDIANSHIP OF MINOR  
REFERENCE: § 75-5-411**

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1. Value of the Minor's property and income that the Guardian will oversee:

A. Land, real estate, buildings, furnishings	\$ _____
B. Business enterprise	\$ _____
C. Stocks, bonds, cash	\$ _____
C. Vehicles	\$ _____
E. Heirlooms	\$ _____
F. Other	\$ _____

ADD

**Sub Total** \$ \_\_\_\_\_

2. **One year's income** from all sources

\$ \_\_\_\_\_

ADD

**Sub Total** \$ \_\_\_\_\_

3. Value of cash or securities requiring  
Court Order for removal.

\$ \_\_\_\_\_

SUBTRACT

**Sub Total** \$ \_\_\_\_\_

4. Value of land requiring Court Order  
for sale or conveyance.

\$ \_\_\_\_\_

SUBTRACT

5. **Enter this amount in statement #7  
of Petition.**

**Total** \$ \_\_\_\_\_

**\*NOTE\* - If the total amount arrived at above is over \$10,000, you will probably also need to file for conservatorship.**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: ( \_\_\_\_\_ ) \_\_\_\_\_

PRO SE

IN THE PROBATE DIVISION OF THE \_\_\_\_\_ JUDICIAL DISTRICT COURT  
OF \_\_\_\_\_ COUNTY,  
\_\_\_\_\_ (Court Address)

IN THE MATTER OF GUARDIANSHIP OF

\_\_\_\_\_,  
a Minor.

**AFFIDAVIT OF SUSPENSION  
OF PARENTAL CUSTODY RIGHTS**

Probate No. \_\_\_\_\_

Judge: \_\_\_\_\_

I, \_\_\_\_\_, Petitioner in the above named legal proceeding, do solemnly swear and affirm to the best of my knowledge that the custody rights of the parents of the Minor named above have been terminated or suspended by waiver of living parent(s), circumstances, or prior Court Order.

TO SUPPORT THIS CLAIM, I submit the following attached affidavits and/or information to the Court:

- A. ( ) Parental waiver of custody rights.
- B. ( ) The death certificates of Minor's parent(s); and Minor's birth certificate.
- C. ( ) Prior Court Order suspending parental custody rights.
- D. ( ) Documents and other Affidavits explaining circumstances which make parent(s) unable or unwilling to exercise parental custody rights and responsibilities.

E. ( ) Other relevant exhibits listed below:

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DATE: \_\_\_\_\_

\_\_\_\_\_  
Petitioner

### NOTARY CLAUSE

STATE OF UTAH,

COUNTY OF \_\_\_\_\_

Petitioner, \_\_\_\_\_, personally appeared before me, the undersigned Notary Public, and proved to me Petitioner's identity with documentation in the form of \_\_\_\_\_; and upon being sworn and under oath, signed the preceding document entitled AFFIDAVIT OF SUSPENSION OF PARENTAL CUSTODY RIGHTS in my presence and acknowledged and affirmed that the information contained in the document is true to the best of Petitioner's own personal knowledge and that Petitioner has signed the document voluntarily for its stated purpose.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Notary Public



Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: ( \_\_\_\_\_ ) \_\_\_\_\_

PRO SE

IN THE PROBATE DIVISION OF THE \_\_\_\_\_ JUDICIAL DISTRICT COURT  
OF \_\_\_\_\_ COUNTY,  
\_\_\_\_\_ (Court Address)

IN THE MATTER OF GUARDIANSHIP OF  
\_\_\_\_\_  
a Minor.

**MOTHER'S CONSENT TO  
APPOINTMENT OF GUARDIAN**

Probate No. \_\_\_\_\_

Judge: \_\_\_\_\_

I, \_\_\_\_\_, the undersigned, swear and affirm  
that:

1. I am the natural Mother of the above named Minor child.
2. I completely agree that the appointment of \_\_\_\_\_ as  
Guardian of my Minor child would be in Minor child's best interest and voluntarily support and  
give my consent to such an appointment by the Court.
3. I voluntarily waive all parental custody rights pertaining to my child named above.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Natural Mother

**NOTARY CLAUSE**

STATE OF \_\_\_\_\_,

COUNTY OF \_\_\_\_\_

\_\_\_\_\_, personally appeared  
before me, the undersigned Notary Public, and proved to me her identity with  
documentation in the form of \_\_\_\_\_; and  
upon being sworn and under oath, signed the preceding document entitled MOTHER'S  
CONSENT TO APPOINTMENT OF GUARDIAN in my presence and acknowledged and  
affirmed that the information contained in the document is true to the best of her own  
personal knowledge and that she has signed the document voluntarily for its stated purpose.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: ( \_\_\_\_\_ ) \_\_\_\_\_

PRO SE

IN THE PROBATE DIVISION OF THE \_\_\_\_\_ JUDICIAL DISTRICT COURT  
OF \_\_\_\_\_ COUNTY,  
\_\_\_\_\_ (Court Address)

IN THE MATTER OF GUARDIANSHIP OF  
\_\_\_\_\_  
a Minor.

**FATHER'S CONSENT TO  
APPOINTMENT OF GUARDIAN**

Probate No. \_\_\_\_\_

Judge: \_\_\_\_\_

I, \_\_\_\_\_, the undersigned, swear and affirm  
that:

1. I am the natural Father of the above named Minor child.
2. I completely agree that the appointment of \_\_\_\_\_ as  
Guardian of my Minor child would be in Minor child's best interests and voluntarily support  
and give my consent to such an appointment by the Court.
3. I voluntarily waive all parental custody rights pertaining to my child named above.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Natural Father

**NOTARY CLAUSE**

STATE OF \_\_\_\_\_,

COUNTY OF \_\_\_\_\_

\_\_\_\_\_, personally appeared  
before me, the undersigned Notary Public, and proved to me his identity with  
documentation in the form of \_\_\_\_\_; and  
upon being sworn and under oath, signed the preceding document entitled FATHER'S  
CONSENT TO APPOINTMENT OF GUARDIAN in my presence and acknowledged and  
affirmed that the information contained in the document is true to the best of his own  
personal knowledge and that he has signed the document voluntarily for its stated purpose.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: ( \_\_\_\_\_ ) \_\_\_\_\_  
PRO SE

IN THE PROBATE DIVISION OF THE \_\_\_\_\_ JUDICIAL DISTRICT COURT  
OF \_\_\_\_\_ COUNTY,  
\_\_\_\_\_ (Court Address)

IN THE MATTER OF GUARDIANSHIP OF  
\_\_\_\_\_  
a Minor.

**AFFIDAVIT OF WAIVER  
BY SCHOOL DISTRICT**

Probate No. \_\_\_\_\_  
Judge: \_\_\_\_\_

I, \_\_\_\_\_, the undersigned representative of  
\_\_\_\_\_ School District, located in \_\_\_\_\_ County, do  
hereby affirm the following:

1. That \_\_\_\_\_ School District is the school district in which above named  
Minor will attend school; that the School District has been notified as to the time and place of  
the Hearing to Appoint Guardian; that the School District has no objection to the Petition for  
Appointment of Guardian and therefore waives appearance at hearing.

2. Minor: (select one "A")

**A.** ( ) will be under 12 years old at time of hearing.

**A.** ( ) will be at least 12 years old at time of hearing and: (mark 1-3)

1. **Has** ( ) or **Has not** ( ) provided to the \_\_\_\_\_  
School District:

- i. police certification(s) from all local jurisdictions in which the Minor lived during the previous two years which indicate an absence of past or ongoing criminal charges; and if applicable,
- ii. release(s) for access to any criminal records of the Minor in all jurisdictions outside the state in which the Minor lived during the previous two years;

**AND**

2. **Has** ( ) or **Has not** ( ) satisfied the school district that the Minor's behavior does not indicate an ongoing unwillingness to abide by applicable law or school rules;

**AND**

3. **Has** ( ) **Has not** ( ) satisfied the school district that the primary purpose of guardianship is not to avoid payment of tuition.

DATE: \_\_\_\_\_

\_\_\_\_\_  
School District Representative

\_\_\_\_\_  
Job Title

**NOTARY CLAUSE**

STATE OF \_\_\_\_\_,

COUNTY OF \_\_\_\_\_

Affiant, \_\_\_\_\_, personally appeared  
before me, the undersigned Notary Public, and is personally known to me or proved to me  
Affiant's identity with documentation in the form of \_\_\_\_\_;

and upon being sworn and under oath, signed the preceding document entitled AFFIDAVIT  
OF WAIVER BY SCHOOL DISTRICT in my presence and acknowledged and affirmed that  
the information contained in the document is true to the best of Affiant's own personal  
knowledge and that Affiant has signed the document voluntarily for its stated purpose.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

**AFFIDAVIT FOR RELEASE  
OF CONFIDENTIAL INFORMATION**

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Telephone \_\_\_\_\_

Date \_\_\_\_\_

TO WHOM IT MAY CONCERN,

I, \_\_\_\_\_, the undersigned Parent or Guardian of  
\_\_\_\_\_, a minor, give \_\_\_\_\_ School  
District, and whosoever it chooses to represent it, my permission to have total and  
unrestricted access to any and all confidential criminal records, proceedings, and information  
that involve Minor named above and which occurred or were already ongoing on or after \_\_\_\_  
\_\_\_\_\_.

**DATE**

DATE: \_\_\_\_\_

\_\_\_\_\_  
Parent or Guardian of Minor



**NOTARY CLAUSE**

STATE OF \_\_\_\_\_,

COUNTY OF \_\_\_\_\_

Affiant, \_\_\_\_\_, personally appeared before me, the undersigned Notary Public, and proved to me Affiant's identity with documentation in the form of \_\_\_\_\_. And upon being sworn and under oath, signed the preceding document entitled AFFIDAVIT FOR RELEASE OF CONFIDENTIAL INFORMATION in my presence and acknowledged and affirmed that the information contained in the document is true to the best of Affiant's own personal knowledge and that Affiant has signed the document voluntarily for its stated purpose.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: ( \_\_\_\_\_ ) \_\_\_\_\_

PRO SE

IN THE PROBATE DIVISION OF THE \_\_\_\_\_ JUDICIAL DISTRICT COURT  
OF \_\_\_\_\_ COUNTY,  
\_\_\_\_\_ (Court Address)

IN THE MATTER OF GUARDIANSHIP OF

\_\_\_\_\_,  
a Minor.

**NOMINATION OF GUARDIAN  
BY MINOR**

Probate No. \_\_\_\_\_

Judge: \_\_\_\_\_

I, \_\_\_\_\_, the above named Minor, am at  
least fourteen years old and I hereby nominate \_\_\_\_\_ to  
serve as my Guardian; and I respectfully request that the Court so order and appoint this  
nominee as my Guardian.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Nominating Minor

**NOTARY CLAUSE**

STATE OF UTAH,  
COUNTY OF \_\_\_\_\_

Minor, \_\_\_\_\_, personally appeared  
before me, the undersigned Notary Public, and proved to me Minor's identity with  
documentation in the form of \_\_\_\_\_; and  
upon being sworn and under oath, signed the preceding document entitled NOMINATION OF  
GUARDIAN BY MINOR in my presence and acknowledged and affirmed that the information  
contained in the document is true to the best of Minor's own personal knowledge and that  
Minor has signed the document voluntarily for its stated purpose.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: ( \_\_\_\_\_ ) \_\_\_\_\_

PRO SE

IN THE PROBATE DIVISION OF THE \_\_\_\_\_ JUDICIAL DISTRICT COURT  
OF \_\_\_\_\_ COUNTY,  
\_\_\_\_\_ (Court Address)

IN THE MATTER OF GUARDIANSHIP OF  
\_\_\_\_\_  
a Minor.

**FINDINGS OF FACT AND  
CONCLUSIONS OF LAW**

Probate No. \_\_\_\_\_

Judge: \_\_\_\_\_

**FINDINGS OF FACT**

Upon consideration of the Petition for Appointment of Guardian of Minor filed by  
\_\_\_\_\_, Petitioner, on \_\_\_\_\_, 20\_\_\_\_,  
the Court finds, after hearing, that:

1. The Petitioner named above has petitioned the Court to appoint a qualified person as Guardian of the Minor named above, in accordance with §75-5-206(1).
2. Venue is proper because the Minor resides or is present in \_\_\_\_\_  
County in accordance with §75-5-205.

3. Notice of the hearing for Guardianship of Minor was mailed to all interested parties in accordance with §75-1-401 and §75-5-207(1).
4. All previous rights of custody have been terminated or suspended by consent of living parent(s), circumstances, or prior court order in accordance with §75-5-204.
5. Minor is not emancipated and does not currently have a Guardian by instrument or appointment; nor are there any currently pending guardianship proceedings.
6. Minor is: (select one)
- A. ( ) at least 14 years old and has provided an affidavit of Nomination of Guardian by Minor in accordance with §75-5-206(2).
- A. ( ) is under 14 years old.
7. Minor is: (select one)
- A. ( ) under 12 years old.
- A. ( ) at least 12 years old and has attached an Affidavit of Waiver from the School District in which the Minor will attend school.
8. Minor's estate is valued at \$ \_\_\_\_\_.

### **CONCLUSIONS OF LAW**

Based upon the findings listed above, this Court concludes that:

1. Pursuant to §75-5-206, the welfare and best interests of the Minor will be served by the requested appointment of guardianship.

2. \_\_\_\_\_ should be appointed Guardian of Minor named above with: (select one)

A. ( ) **full** and complete guardianship of Minor.

A. ( ) **limited** guardianship of Minor, which is limited to the following responsibilities and legal authority to act on Minor's behalf:

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3. That Guardian named above should be appointed: (select one)

A. ( ) without bond.

A. ( ) with bond required in the amount of \$ \_\_\_\_\_.

DATE: \_\_\_\_\_

BY THE COURT:

THE HONORABLE \_\_\_\_\_  
District Court Judge

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: ( \_\_\_\_\_ ) \_\_\_\_\_

PRO SE

IN THE PROBATE DIVISION OF THE \_\_\_\_\_ JUDICIAL DISTRICT COURT  
OF \_\_\_\_\_ COUNTY,  
\_\_\_\_\_ (Court address)

IN THE MATTER OF GUARDIANSHIP OF  
\_\_\_\_\_  
a Minor.

**ORDER OF APPOINTMENT  
OF GUARDIAN OF MINOR**

Probate No. \_\_\_\_\_

Judge: \_\_\_\_\_

In accordance with the Findings of Fact and Conclusions of Law signed by this Court  
at hearing held on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

THE COURT ORDERS AND APPOINTS:

\_\_\_\_\_, as Guardian of Minor named above with:  
(select one)

A. ( ) **full** and complete guardianship of Minor.

A. ( ) **limited** guardianship of Minor, which is limited to the following  
responsibilities and legal authority to act on Minor's behalf:

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And to act: (select one)

A. ( ) without bond.

A. ( ) with bond required in the amount of \$ \_\_\_\_\_.

Upon acceptance of this appointment, Letters of Guardianship shall be issued to the above named Guardian.

DATE: \_\_\_\_\_

BY THE COURT:

THE HONORABLE \_\_\_\_\_  
District Court Judge



Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: ( \_\_\_\_\_ ) \_\_\_\_\_

PRO SE

IN THE PROBATE DIVISION OF THE \_\_\_\_\_ JUDICIAL DISTRICT COURT OF  
\_\_\_\_\_ COUNTY,  
\_\_\_\_\_ (Court Address)

IN THE MATTER OF GUARDIANSHIP OF

\_\_\_\_\_,  
a Minor.

**ACCEPTANCE OF APPOINTMENT**

Probate No. \_\_\_\_\_

Judge: \_\_\_\_\_

I, \_\_\_\_\_, the undersigned, accept the  
appointment as Guardian of \_\_\_\_\_, Minor.

As Guardian, I agree to perform all the duties and responsibilities granted by  
this Court on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in the Appointment of  
Guardian and act in the best interest and welfare of the above named Minor to the best of my  
ability. I further agree to submit personally to the jurisdiction of this court in any proceeding  
relating to the guardianship that may be instituted by any interested person or any person  
interested in the welfare of Minor as defined by the Utah Uniform Probate Code.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Guardian

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: ( \_\_\_\_\_ ) \_\_\_\_\_

PRO SE

IN THE PROBATE DIVISION OF THE \_\_\_\_\_ JUDICIAL DISTRICT COURT  
OF \_\_\_\_\_ COUNTY,  
\_\_\_\_\_ (Court Address)

IN THE MATTER OF GUARDIANSHIP OF  
\_\_\_\_\_  
a Minor.

**LETTERS OF GUARDIANSHIP**

Probate No. \_\_\_\_\_  
Judge: \_\_\_\_\_

\_\_\_\_\_, was appointed by Court Order as Guardian  
of Minor named above on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by the  
Honorable \_\_\_\_\_, District Court Judge.

This letter is issued to verify the appointment, qualification, and authority of the above  
named Guardian who was given: (select one)

A. ( ) **full** and complete guardianship of Minor.

A. ( ) **limited** guardianship of Minor, which is limited to the following  
responsibilities and legal authority to act on Minor's behalf: \_\_\_\_\_

WITNESS my signature and the Seal of this Court,

DATE: \_\_\_\_\_

\_\_\_\_\_  
Clerk of the Court

By \_\_\_\_\_  
Deputy Clerk